

REMARKS/ARGUMENTS

Claims 1, 3-12 and 14-24 are in the application. No claim is allowed

Claims 1, 3, 4, 7-9, 14, 15, 18-20 and 24 are rejected under 35 USC 103(a) as being unpatentable over Massey et al (US 2004/0248652, "Massey") in view of Kelly et al. (US 2002/0010025, "Kelly"), both of record. Reconsideration and withdrawal of this rejection are respectfully requested. The examiner points out that Massey fails to explicitly disclose the determining of a single or a plurality of winning players of the tournament and generating data indicative of a value or share of value payouts of a jackpot to be awarded to the winning player(s). (Final Rejection, page 3, lines 19-21) Thus, the examiner cites Kelly as teaching the distributing of prize credits to one or more winning players based on the outcome of at least one game. (Kelly, par. [119]-[120]) The examiner concludes that it would have been obvious to a person having ordinary skill in the art at the time of the invention to have modified Massey in view of Kelly to increase the possibility of winning the tournament thereby increasing game play excitement and to include a fair distribution of prizes among multiple tournament winners.

Applicants respectfully disagree with the examiner and request that the rejection be reconsidered and withdrawn. It is Applicants' position that Kelly in fact cannot be combined with Massey in the manner described by the examiner. One of ordinary skill in the art at the time the invention was made would not look to Kelly as a teaching to modify Massey. Massey discloses a method of tournament play that entices players of average skill in the game to play and provides a reward of possibly large winning payout, not based on the number of participants in the tournament, but on a particular opponent selected at random. Thus, a primary enticement is that the tournament winnings will not necessarily be dominated by very skilled, dominant players. (Massey, par. [0010], [0026]) Furthermore, there is still the possibility of winning substantial prizes. (Massey, par. [0015]).

On the other hand, the enticement for a player in Kelly is that there is a wide selection of options for winning prizes and prizes may be won irrespective of game outcomes. (Kelly, par. [0004], [0011]) The methods of enticing players, which effect the way the game is played and controlled, applied by Kelly would defeat the gaming method

of Massey. To determine a single winning player of the tournament (Kelly) is exactly what Massey is trying to avoid, since such tournaments tend to be dominated by the best players. There is no single tournament winner in Massey's method and that is a key feature of Massey's gaming method.

Furthermore, Kelly teaches the determination of a plurality of tournament winners and the generation of data to indicate the portion of the payout each winner will receive. (Kelly, par. [0119]) But this is the antithesis of Massey's game method. In Massey, each player has no idea of the prize fund payout, since it depends on the prize fund of his next opponent, selected at random, and whether he defeats that opponent. (Massey, par. [0029]) Thus, the application of Kelly to Massey's game method would defeat a primary enticement of Massey's game.

Accordingly, the features lacking in Massey are not remedied by combining with Kelly. Indeed, as described above, combining Kelly with Massey would render the system of player enticement in Massey's game unattractive to the players it intended to attract. Therefore, it is respectfully submitted that it would not be obvious to combine Massey with Kelly. The combination of the references, it is submitted, would create a game that would negate Massey's system of player enticement. It is submitted that independent claims 1 and 14, as well as claims 3, 4, 7-9, 15, 18-20 and 24 that are dependent thereon, are unobvious and withdrawal of the rejection is respectfully requested.

Claims 5 and 16 are rejected under 35 USC 103(a) as being unpatentable over Massey and Kelly in view of Okamoto, of record. This rejection is respectfully traversed. The reliance on Okamoto to show confirmation of the loading of game software does not remedy the deficiencies of combining Massey with Kelly discussed above. Accordingly, it is submitted that claims 5 and 16 are unobvious over Massey and Kelly in view of Okamoto and withdrawal of the rejection is requested.

Claims 6 and 17 are rejected under 35 USC 103(a) as being unpatentable over Massey and Kelly in view of Schneier, of record. This rejection is respectfully traversed. The reliance on Schneier to show authentication of the loaded game software does not remedy the deficiencies of combining Massey with Kelly discussed above. Accordingly, it

is submitted that claims 6 and 17 are unobvious over Massey and Kelly in view of Schneier and withdrawal of the rejection is requested.

Claims 10 and 21 are rejected under 35 USC 103(a) as being unpatentable over Massey and Kelly in view of Morrow, of record. This rejection is respectfully traversed. The reliance on Morrow to show gaming software comprising a pay table does not remedy the deficiencies of combining Massey with Kelly discussed above. Accordingly, it is submitted that claims 10 and 21 are unobvious over Massey and Kelly in view of Morrow and withdrawal of the rejection is requested.

Claims 11, 12, 22 and 23 are rejected under 35 USC 103(a) as being unpatentable over Massey and Kelly in view of Halliburton, of record. This rejection is respectfully traversed. The reliance on Halliburton to show gaming software comprising a plurality of randomly or pseudo-randomly generated seeds for a random number generator to be used by a gaming unit does not remedy the deficiencies of combining Massey and Kelly discussed above. Accordingly, it is submitted that claims 11, 12, 22 and 23 are unobvious over Massey and Kelly in view of Halliburton and withdrawal of the rejection is requested.

Based on the foregoing, it is submitted that the claims are patentable over the cited art of record. Additional limitations recited in the independent claims or the dependent claims are not further discussed because the limitations discussed above are sufficient to distinguish the claimed invention from the cited art. Accordingly, Applicants submit that all claims are allowable and respectfully request that this application be passed to issue.

Should the examiner believe that a telephone conference would expedite the prosecution of this application the undersigned may be reached at the telephone number set out below.

Applicants hereby petition for any extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any

further fee required in connection with the filing of this amendment is to be charged to Deposit Account No. 504480 (Order No. IGT1P279).

Respectfully submitted,
Weaver Austin Villeneuve & Sampson LLP

/Reginald J. Suyat/
Reginald J. Suyat
Reg. No. 28,172

P.O. Box 70250
Oakland, CA 94612-0250
(510) 663-1100